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IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
DATED THIS THE 27TH DAY OF MAY , 1998

BEFORE

THE HON'BLE MR.JUSTICE R.V.RAVEENDRAN

HOUSE RENT REVISION PETITION NO: 629/1998

BETWEEN:

Mohanlal  
s/o Sri.Pannalal  
101, 15th Cross, 3rd Main,  
Vyalikaval Bangalore--3

rep by P.A.holder,  
Smt. Nirmala Devi,  
aged about 48 years  
w/o Sri.P.Mohanlal  
No.1 Old building,  
Jayadeva Hostel Building,  
Seshadri Road,  
Bangalore.

PETITIONER

(By S.Shekar Shetty, Adv.,)

AND:

Karnataka Veerashaiva  
Vidyabhivirdhi Nidhi  
Samste,  
No.18, Seshadri Road,  
Jayadeva Hostel Building,  
Gadhinaragar  
Bangalore.

RESPONDENT

This petition filed under S.50(1) of the KRC Act, against the order dtd.13-2-1998 passed in HRC No.1497/1996 on the file of the XVI Addl., Judge, Court of Small Causes, Bangalore, dismissing the petition filed under Section 19 of KRC Act.

This petition coming on for admission this day, the Court made the following:-

O R D E R ...

O R D E R

Petitioner claiming to be the tenant of the respondent in regard to a shop-cum-office situated at 5th Main Road, Seshadri Road, Bangalore filed a petition under Section 19 of the Karnataka Rent Control Act, 1961 ('Act' for short) seeking permission to deposit rent for the period 16-3-1994 to 15-9-1996 on the ground that the respondent had refused to receive the rent after 15-3-1994.

2. The respondent appeared before the Court and filed objections stating that petitioner was not its tenant; that premises in question had been leased to one D.P.Sharma of Prakash Travels and the said D.P.Sharma was the tenant and therefore the question of permitting the petitioner to deposit the rent in regard to the said premises did not arise. Thereafter, petitioner filed an application seeking leave to lead evidence to establish that he is the tenant of the premises. That application was rejected by order dated 16-1-1998

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Thereafter the petition itself was dismissed by order dated 13-2-1998 on the ground that the enquiry as to whether petitioner was the tenant or not was beyond the scope of Section 19 of the Act and **once** the landlord has denied the relationship of tenant and landlord between the petitioner and himself, petition under Section 19 will have to be rejected. Feeling aggrieved, petitioner has filed this revision petition.

3. Petitioner contends that the Court below ought to have held an enquiry in the proceedings under Section 19 of the Act to decide whether he was the tenant of the respondent as alleged by him.

4. This Court has repeatedly held that in a proceedings under Section 19, the Court should not determine the relationship between the parties and once the landlord states that petitioner is not his tenant, it would not be permissible for the Court to embark upon an adjudication ~~on~~ that dispute as the same is not within the scope of Section 19

RMR

of the Act (See MOOLA RAGHURAMULLY vs. M.VASUDEVA  
RAO, (1972(1) Mys.L.J. Short Notes 105) & DAMODARAN  
NAIR vs. T.G.NESAN (1976(1) Kar.L.J. Short Notes 65))

Learned counsel for the petitioner contended that  
sub-section 3(b) of Section 19 of the Act contemplates  
enquiry and therefore the Court ought to have  
held an enquiry. The enquiry that is contemplated  
under Section 19(3)(b) is to enable the Court to  
satisfy itself whether bonafide doubt or dispute  
exists in the matter as provided therein. No  
enquiry is contemplated as to whether a person  
who has filed the petition is a tenant or not.  
Hence there is no merit in this petition. Accordingly  
it is rejected.

Sd/-  
JUDGE